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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/292,552	04/15/1999	CHARLES L MAURO	9628006999	3736

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EXAMINER	
KYLE, CHARLES R	

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/292,552	MAURO ET AL.	
	Examiner	Art Unit	
	Charles Kyle	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *91-133* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *91-133* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 132 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It recites the phrase ""... offers to sell securities in a user-to user trading." It is unclear what user-to-user trading is referred to, (i.e., a user-to-user trading *what?).* Applicant's comments still do not clarify what is in ***a*** user-to-user trading. Is the reference to a user-to-user trading *environment*?

Claim Rejections - 35 USC § 101

The rejection of Claims 99-133 of the prior office action under 35 U.S.C. 101 are withdrawn based on Applicant's amendments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 91-92 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,014643 *Minton* and US 5,904,974 *Fraser et al* and US 5,250,933 *Beaudin et al* and further in view of US 5,136,501 *Silverman et al.*

With respect to Claim 91, *Minton* discloses the invention substantially as claimed. See the discussion of Claim 99. *Minton* does not specifically disclose the limitations recited in previously presented Claim 91.

Silverman discloses these limitations, including computer executable instructions residing on a computer readable medium for causing a workstation of a user to display a graphical user interface (Fig 5; Col. 9, line 46 to Col. 10, line 53 particularly Col. 10, lines 15-20), elements of

a first display area of sizes for a plurality of buy orders (Fig. 5, "Bid Side Blocks", eles. 71...80; Col. 8, line 45 to Col. 10, line14) for a security selected by the user (Col. 10, lines 15-20);

a second display area of sizes for a plurality of sell orders for the security (Fig. 5, "Offer Side Blocks", eles. 92...86; Col. 8, line 45 to Col. 10, line14); and

a third display area showing price levels that correspond to prices for the buy orders in the first display area and the sell orders in the second display area (Whole of Fig. 5 including "Bid Side Blocks" and "Offer Side Blocks", eles. 92...86...71...80 and related text cited above).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Minton* with the additional trading data display areas disclosed by *Silverman* because

this would allow a trader to have available and to comprehend elements of trading information necessary for rapid response in a changing market.

Minton and *Silverman* do not specifically disclose that a list of price levels is a single list; rather, the list is composed of the two cited sub lists. Official Notice is taken that combination of such sub lists into a single list was old and well known at the time of the invention. For example, consolidation of similar information form several sources was done to make information more accessible to a user. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the sub lists of *Silverman* into a single list because this would provide convenience and continuity of order data to the user.

Additionally, consultation with the Technology Center 3600 Business Practice Specialist indicates that elements of the recited claim language constitutes non-functional descriptive language, which are given little patentable weight. That is, the newly claimed limitations of Claim 91 effectively claim a graphical user interface with four quadrants, as in *Beaudin*; the content of the non-overlapping fields does not affect the display. Amendment to recite that the computer executable instructions of the preamble comprise code segments which cause the computing device to display the recited display elements would mitigate this concern and provide more patentable weight to the limitations. The Examiner notes that such recitation merely clarifies the elements of the computer executable instructions and should not unduly limit Applicant.

Concerning Claim 92, *Silverman* discloses a list area (Fig. 4, eles. 100...94...98...77...84) between a bid order area (Fig. 4, eles 73, 75, 82) and a sell order area (Fig. 4, eles. 96, 98, 90).

As to Claim 97, *Silverman* does not specifically disclose display of additional areas for display of plural securities. Official Notice is taken that it was old and well known at the time of the invention to display information on a plurality of securities in a trading interface. For example, a trader would routinely deal in multiple issues and need to track their market activity. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Silverman* to display information on additional securities because this would provide more opportunities for profitability in markets.

Claims 93-96 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,014643 *Minton* and US 5,904,974 *Fraser et al* and US 5,250,933 *Beaudin et al* and further in view of US 5,136,501 *Silverman et al* in view of US 6,415,269 *Dinwoodie*.

With respect to Claims 93-94, *Minton* discloses the invention substantially as claimed. See the discussion of Claim 91. *Minton* does not specifically disclose highlighting to distinguish a current bid in display areas of a trading interface. *Dinwoodie* discloses such highlighting as a flashing at Col. 6, lines 19-29. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Minton* to include such highlighting of bids because this would provide a visual cue to users as to which bid information presented on the interface was most important.

With respect to Claims 95-96, as noted above, *Silverman* discloses ask prices (offer side); rejection of the claims is analogous to that of bid side information Claims 93-94 directly above.

With respect to Claim 98, see the discussion of Claim 97 and 93-96.

Claims 99-119, 121-124 and 125-130 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,014643 *Minton* in view of US 5,904,974 *Fraser et al* and further in view of US 5,250,933 *Beaudin et al.*

With respect to Claim 99, *Minton* discloses the invention substantially as claimed, including in a computer program for providing a graphical user interface which facilitates security trading by a user by providing a single-screen simultaneous display of non- overlapping screen components (Fig. 4, Col. 8, lien 29 to Col. 10, line 22) elements of:

(a) a display of the user's current position in at least one security (Col 12, lines 50-53);

(b) a display of an open order list of the user (Col. 12, lines 39-49);

(d) a display of offers to buy and offers to sell at least one security (Fig 4, eles. 425, 432; Col. 9, line 64 to Col. 10, line 12).

Minton does not specifically disclose display of a trade ticket. *Fraser* discloses the display of a trade ticket at Col. 7, lines 14-23. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Minton* to include the display of a trade ticket as in *Fraser* because this would confirm details of a trade to a user.

To the degree that *Minton* fails to disclose a simultaneous display of non-overlapping screen components, *Beaudin* is cited for its specific disclosure of such a screen configuration at Col. 8, lines 18-41 and Fig. 5. *Beaudin* discloses the need for control of a display of one or more image frames (screens) to provide enhanced capability and flexibility of simultaneous display of quantized information in industrial (business) environments. See Background of the Invention. It would have been obvious to modify *Minton* to display its financial information using the simultaneous display of non-overlapping screen components of *Beaudin* because this would allow a trader to have available and comprehend elements of trading information necessary for rapid response in a changing market.

Concerning Claim 100, see the discussion of Claim 99 and *Minton* further discloses display of a user's position at Col 12, lines 50-53.

With respect to Claims 101 and 105, *Minton* discloses spread at Col. 1, lines 41-65. It is displayed in Fig. 4 as the difference between lowest offer and best bid. Specific display would be obvious to provide a trader with information to make money as disclosed at Col. 1, lines 41-65.

With respect to Claims 102-104, Official Notice is taken that they recite old and well-known function of visual accentuation by color, window opening/closing and window resizing. For example, these functions of a GUI were known before the time of the invention in the Microsoft Windows ™ and Apple ™ operating systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to include these functions in the interface of

Minton because this would provide easy and familiar ways to draw attention to and manipulate important trading information so as to facilitate trading activities.

Concerning Claim 106, *Minton* discloses display of a watch list at Col. 8, lines 63-67 and Fig. 4, ele. 412.

With respect to Claims 107, 112, 117 and 122, see the discussion of the respective Claims from which they depend and Claim 102.

With respect to Claims 108, 113, 118 and 123, see the discussion of the respective Claims from which they depend and Claim 103.

With respect to Claims 109, 114, 119 and 124, see the discussion of the respective Claims from which they depend and Claim 104.

With respect to Claims 111, 116, 121 and 122, see the discussion of the respective Claims from which they depend and Claim 102.

With respect to Claim 110, *Minton* discloses display of news at Fig. 4, ele. 438 and Col. 9, lines 12-17.

With respect to Claim 115, *Minton* does not specifically disclose prefilling of fields in a trade ticket. Official Notice is taken that it was old and well known to prefill information in display screen fields. For example, if a person had previously entered data in a field, upon return to the same from at a later time, certain fields were prefilled for convenience. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Minton* to include such prefilling because this would save trader time and improve trader performance and profitability.

Concerning Claims 125-130, see the discussion of the respective Claims from which they depend and *Minton* further discloses an article of manufacture comprising a tangible computer readable storage medium storing the program at Fig. 2, and Col. 5, line 24 to Col. 6, line 15.

Claims 120 and 131-133 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,014643 *Minton* and US 5,904,974 *Fraser et al* and US 5,250,933 *Beaudin et al* in view of US 5,136,501 *Silverman et al* in view of US 6,415,269 *Dinwoodie* and further in view of US 6,317,728 *Kane*.

With respect to Claim 120, see the discussion of Claim 115. *Minton* does not specifically disclose display of trader account balances and profit and loss statements. *Kane* disclsoes this limitation at Fig. 18 and Col. 14, lines 37-41. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Minton* to include the features disclosed by *Kane* because this would keep traders apprised of their trading situation and improve trader performance and profitability.

With respect to Claim 131, see the discussion of Claim 99, 120 and 110. *Kane* further disclsoes the use of the Internet at Col. 7, lines 34-41. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Minton* with the use of the Internet disclosed by *Kane* because this would provide raid and cheap communication of trading information.

With respect to Claim 132, see the discussion set forth above.

With respect to Claim 133, see the discussion of Claims 91 and 115 and *Kane* further discloses the use of clicks at Col. 14, lines 42-47.

Response to Arguments

Applicant's arguments filed March 10, 2006 have been fully considered but they are not persuasive. See new citations to references of record or comments in rejections for response to arguments.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,182,705 *Barr et al* for its disclosure of prefilling of fields at Col. 3, liens 12-27, per Applicant's request.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk
May 23, 2006

Primary Examiner
Charles R. Kyle
Art Unit 3624